

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANGELO ORTIZ,

Plaintiff,

-v-

DEPARTMENT OF CORRECTION OF
THE CITY OF NEW YORK, *et al.*,

Defendants.

No. 08 Civ. 2195 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

WHEREAS Rule 4(m) of the Federal Rules of Civil Procedure requires service of a complaint within 120 days after the complaint is filed;

WHEREAS plaintiff commenced this action by filing the complaint on March 5, 2008, and has failed to serve the complaint as of July 7, 2008, exceeding the 120-day time limit;

IT IS HEREBY ORDERED that, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, this case will be dismissed, without prejudice, for lack of prosecution if, within fifteen (15) days from the date of this order, no further explanation for the lack of proceedings has been RECEIVED by this Court. The plaintiff must show good cause for the failure to serve the summons and complaint within 120 days of the commencement of this action, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

SO ORDERED.

DATED: July 7, 2008
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE